

[Printer's No., 451.]

39TH CONGRESS,  
2D SESSION.

# H. R. 1143.

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IN THE HOUSE OF REPRESENTATIVES.

FEBRUARY 11, 1867.

Ordered to be printed.

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## AMENDMENT

By Mr. BOUTWELL to Mr. BINGHAM's second amendment to House  
bill No. 1143.

- 1 Strike out all in the second section between the word
- 2 "secure" to and including the word "color," and insert the
- 3 following: The right to vote to all loyal male citizens of the
- 4 United States who are not less than twenty-one years of age.

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## **AMENDMENT**

By Mr. BINGHAM, to be proposed to H. R. 1143. Strike out the parts within brackets in two places.

Whereas he pretended State governments of the late so-called Confederate States of Virginia, North Carolina, South Carolina, Georgia, Mississippi, Alabama, Louisiana, Florida, Texas, and Arkansas were set up without the authority of Congress and without the sanction of the people; and whereas said pretended governments afford no adequate protection for life or property, but countenance and encourage lawlessness and crime; and whereas it is necessary that peace and good order should be enforced in said so-called States until loyal and republican State governments can be legally established; [whereas it is expedient that the said States lately in insurrection should, at the earliest day consistent with the future peace and safety of the Union, be restored to full participation in all political rights; and whereas the Congress did, by joint resolution, propose for ratification to the legislatures of the several States, as an amendment to the Constitution of the United State, an article in the following words, to wit:

## ARTICLE —.

SECTION 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.

SEC. 2. Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice-President of the United States, representatives in Congress, the executive and judicial officers of a State, or the members of the legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age and citizens of the United States, or in any way abridged, except for participation in rebellion or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

SEC. 3. No person shall be a senator or representative in Congress, or elector of President and Vice-President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may, by a vote of two-thirds of each house, remove such disability.

SEC. 4. The validity of the public debt of the United

States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void.

SEC. 5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

Now, therefore—

1        *Be it enacted by the Senate and House of Representa-*  
 2        *tives of the United States of America in Congress assembled,*  
 3        That whenever the above-recited amendment shall have  
 4        become part of the Constitution of the United States, and any  
 5        State aforesaid lately in insurrection shall have ratified the  
 6        same, and shall have modified its constitution and laws in  
 7        conformity therewith, and shall have presented to Congress a  
 8        constitution of government republican in form and not incon-  
 9        sistent with the Constitution and laws of the United States,  
 10       and which shall secure equal and impartial suffrage to the  
 11       male citizens of the United States, twenty-one years of age,  
 12       resident therein, without distinction of race or color, and which  
 13       shall have been approved by Congress, the senators and rep-  
 14       resentatives from such State, if found duly elected and qualified,  
 15       may, after having taken the required oaths of office, be admitted  
 16       into Congress as such.

1        SEC. 2. *And be it further enacted,* That when any State

2 lately in insurrection as aforesaid shall have ratified the fore-  
 3 going amendment to the Constitution, any part of the direct  
 4 tax under the act of August five, eighteen hundred and sixty-  
 5 one, which may remain due and unpaid in such State, may  
 6 be assumed and paid by such State ; and the payment thereof,  
 7 upon proper assurances from such State to be given to the  
 8 Secretary of the Treasury of the United States, may be post-  
 9 poned for a period not exceeding ten years from and after the  
 10 passage of this act.

1       SEC. 3. *And be it further enacted,* That until said  
 2 so-called States shall be admitted to representation in Con-  
 3 gress as herein provided, the said so-called States shall be  
 4 divided into military districts and made subject to the military  
 5 authority of the United States as hereinafter prescribed, and  
 6 for that purpose Virginia shall constitute the first district ;  
 7 North Carolina and South Carolina the second district ;  
 8 Georgia, Alabama, and Florida, the third district ; Mississippi  
 9 and Arkansas the fourth district ; and Louisiana and Texas  
 10 the fifth district.

1       SEC. 4. *And be it further enacted,* That it shall be the  
 2 duty of the general of the army to assign to the command of  
 3 each of said districts an officer of the regular army, not below  
 4 the rank of brigadier general, and to detail a sufficient military  
 5 force to enable such officer to perform his duties and enforce  
 6 his authority within the district to which he is assigned.

1        SEC. 5. *And be it further enacted,* That it shall be the  
2 duty of each officer assigned as aforesaid to protect all persons  
3 in their rights of person and property, to suppress insurrection,  
4 disorder, and violence, and to punish, or cause to be punished,  
5 all disturbers of the public peace and criminals, and to this  
6 end he may allow civil tribunals to take jurisdiction of and to  
7 try offenders, or, when in his judgment it may be necessary  
8 for the trial of offenders, he shall have power to organize  
9 military commissions or tribunals for that purpose, anything  
10 in the constitution and laws of the said so-called States to the  
11 contrary notwithstanding; and all legislative or judicial pro-  
12 ceedings, or processes to prevent or control the proceedings  
13 of said military tribunals, and all interference by said pretended  
14 State governments with the exercise of military authority  
15 under this act, shall be void and of no effect.

1        SEC. 6. *And be it further enacted,* That courts and judi-  
2 cial officers of the United States shall not issue writs of habeas  
3 corpus in behalf of persons in military custody, [except in  
4 cases in which the person is held to answer only for a crime  
5 or crimes exclusively within the jurisdiction of the courts of  
6 the United States, within said military districts, and indictable  
7 therein,] or unless some commissioned officer on duty in the  
8 district wherein the person is detained shall indorse upon said  
9 petition a statement certifying, upon honor, that he has knowl-  
10 edge, or information, as to the cause and circumstances of the

11 alleged detention, and that he believes the same to be  
12 wrongful; and further, that he believes that the indorsed peti-  
13 tion is preferred in good faith, and in furtherance of justice.  
14 and not to hinder or delay the punishment of crime. All  
15 persons put under military arrest by virtue of this act shall  
16 be tried without unnecessary delay, and no cruel or unusual  
17 punishment shall be inflicted.

1       SEC. 7. *And be it further enacted,* That no sentence  
2 of any military commission or tribunal hereby authorized,  
3 affecting the life or liberty of any person, shall be executed  
4 until it is approved by the officer in command of the district;  
5 and the laws and regulations for the government of the army  
6 shall not be affected by this act, except in so far as they con-  
7 flict with its provisions.

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## AMENDMENT

Proposed by Mr. BLAINE to Mr. BINGHAM's amendment to House  
bill No. 1143.

1        SEC.—. *And be it further enacted*, That when the  
2 constitutional amendment proposed as article fourteen by  
3 the thirty-ninth Congress shall have become a part of the  
4 Constitution of the United States; and when any one  
5 of the late so-called Confederate States shall have ratified the  
6 same and conformed its constitution and laws thereto in all  
7 respects; and when it shall have provided by its constitution  
8 that the elective franchise shall be enjoyed equally and im-  
9 partially by all male citizens of the United States, twenty-one  
10 years old and upwards, without regard to race, color, or pre-  
11 vious condition of servitude, except such as may be disfran-  
12 chised for participating in the late rebellion; and when said  
13 constitution shall have been submitted to the voters of said  
14 State, as thus defined, for ratification or rejection; and when



15 the constitution, if ratified by the popular vote, shall have been  
16 submitted to Congress for examination and approval, said  
17 State shall, if its constitution be approved by Congress, be de-  
18 clared entitled to representation in Congress, and senators  
19 and representatives shall be admitted therefrom on their tak-  
20 ing the oath prescribed by law, and then and thereafter the  
21 preceding sections of this bill shall be inoperative in said  
22 State.